

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DAMIEN ALEXANDER PHILLIPS,  
Plaintiff,  
v.  
NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,  
Defendants.

Case No.: 3:24-cv-00293-ART-CLB

## ORDER

(ECF No. 1)

On July 8, 2024, pro se plaintiff Damien Alexander Phillips, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). Plaintiff's application to proceed *in forma pauperis* is incomplete because **Plaintiff filed a handwritten application rather than using this Court's approved form**. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct this deficiency **by September 12, 2024**.

## I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month**

1 **period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*  
2 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means  
3 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

4 **II. CONCLUSION**

5 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)  
6 is denied without prejudice.

7 It is further ordered that Plaintiff has **until September 12, 2024**, to either pay the  
8 full \$405 filing fee or file a new fully complete application to proceed *in forma pauperis*  
9 with all three required documents: (1) a completed application with the inmate's two  
10 signatures on page 3, (2) a completed financial certificate that is signed both by the  
11 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account  
12 statement for the previous six-month period.

13 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
14 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
15 to refile the case with the Court, under a new case number, when Plaintiff can file a  
16 complete application to proceed *in forma pauperis* or pay the required filing fee.

17 The Clerk of the Court is directed to send Plaintiff Damien Alexander Phillips the  
18 approved form application to proceed *in forma pauperis* for an inmate and instructions for  
19 the same and retain the complaint (ECF No. 1-1) but not file it at this time.

20 DATED THIS 12th day of July 2024.

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UNITED STATES MAGISTRATE JUDGE